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City of San Bernardino ECONOMIC DEVELOPMENT AGENCY

Redevelopment • Economic Development • Housing & Community Development
Emil A. Marzullo, Executive Director
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March 4, 2009

Ms. Marlene H. Dortch Secretary Federal Communications Commission 445 12th Street SW Washington, DC 20554

Re: Petitions for Declaratory Ruling Regarding Public, Educational and

Governmental Access Channels, MB Docket No. 09-13, CSR-8126 (ACM et al.), CRS-8127 (City of Lansing, MI), and CSR-8128 (City of Dearborn, MI et al.)

Dear Ms. Dortch:

The City of San Bernardino, California, supports and strongly urges the Commission to grant all three of the above-captioned petitions concerning public, educational and governmental ("PEG") access channels. The problems created by the AT&T channel platform are specifically detrimental to our Community and the ability of the City of San Bernardino to communicate with the public is hampered by their disregard for our long standing in the San Bernardino Community and the Community's reliance on channel placement. AT&T will make it more expensive for us to "rebrand" our channel ONLY for our viewers on their system and make it more difficult for subscribers to access and watch PEG programming. Rather than repeat the legal arguments in the petitions, we file this letter to more fully explain PEG's role in the San Bernardino Community and why it is important to prevent operators from inhibiting access to these channels.

1. <u>PEG Programming in the City of San Bernardino, California.</u>

The City of San Bernardino Economic Development Agency manages the PEG facilities and provides 2 PEG channels to the residents of our community with a third channel coming on line in the second quarter of 2009. Since 1988 our most visible channel has been our government channel, Channel 3. This channel provides the broadcast of local government meetings which include the San Bernardino City Council meetings, school board meetings, County Board of Supervisor meetings, Local Area Formation Commission (LAFCO) meetings, candidate debates, Airport Authority meetings which discuss the redevelopment of the former Norton Air Force Base and similar local government matters. A major portion of the community views these meetings from home as they are unable to participate in person. The geographical

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size of the County of San Bernardino and the distance to travel to physically participate in many of the meetings is unmanageable for a majority of our residents.

Our government channel also provides information through various locally produced programs which include the Mayor's Community updates, police and fire safety programs, Inland Empire's Most Wanted, afterschool reading programs, civic and cultural events, parades and California State University at San Bernardino's live broadcast of university athletic events.

The City's government channel is the main source of information in times of disaster and crisis. As many are aware over the last several years our region has been plagued by fires, flooding caused by rains and the ensuing mudslides. Channel 3 provides real time information on evacuation routes and shelters, travel routes, Mayor and Fire Department press conferences and other necessary information crucial to the residents. Searching for information on a channel other than Channel 3 only produces frustration and panic at a time when people need to be educated and assured. Unfortunately San Bernardino's proximity to the Los Angeles television markets is not a benefit to our viewing audience. Los Angeles reporters are unfamiliar with the area and on many occasions provide inaccurate information as to disaster locations and evacuation routes. Local reporters providing their neighbors with easily accessible, accurate information is crucial to saving lives.

Thus, PEG programming in the City of San Bernardino provides local residents with informational, public safety, educational, cultural and local opinion programming of uniquely local interest that they cannot obtain elsewhere. The City's PEG programming is the only connection many residents have to their local government and its processes.

2. The Situation in Our Community

The City of San Bernardino has five cable/service providers within its city limits; Time Warner, Charter, Verizon, Mountain Shadows and AT&T. All providers air our government channel programming on Channel 3 with the exception of AT&T. The placement of our government channel on the channel 99 platform will not only be confusing but will effectively reduce the ability of our residents to participate in local government meetings and their ability to receive crucial information in times of disaster or crisis.

We rely upon our PEG channels to convey important public information throughout our community. People in our community rely on the channels to receive information. If the channels are less accessible for technical reasons, then the PEG channels become a much less effective avenue for community communications, and some subscribers we now reach may not receive the information at all. If the Commission endorses the actions of AT&T at issue in this proceeding, we have little doubt that they will not change their approach in providing this service which has the effect of marginalizing or effectively eliminating PEG access.

3. The Commission Should Grant the Petitions Challenging AT&T's PEG Product (CSR-8126 & CSR-8127)

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Our experience confirms many of the deficiencies identified in the Petitions. In virtually every conceivable way that matters to a viewer, the AT&T PEG product is markedly inferior to broadcast channels carried on AT&T's U-verse system. Some of the noted deficiencies in the AT&T format include: difficulty in finding desired channels in the menu system, difficulty in access, the added time it takes to reach the PEG programming, the lack of ability to switch back and forth between local PEG programming and other channels and the lack of ability to record using DVR.

Accordingly, to preserve PEG as envisioned in the Cable Act, the Commission should grant the Petitions in CSR-8126 and CSR-8127.

Conclusion.

Our PEG channels are a critical and irreplaceable resource for San Bernardino community. They are the key medium of communication for our local government to communicate with residents, for local educational institutions to communicate with our residents, and for residents to communicate among themselves and to watch and participate in a dialogue about the San Bernardino community. In light of the decreasing amount of truly local programming available on broadcast and other commercial channels, PEG is the only full-time, genuinely local source of television programming available to our residents. We therefore strongly urge the Commission to grant all three Petitions.

Respectfully submitted,

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cc:

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